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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

SECURITIES AND EXCHANGE  
 COMMISSION,

Plaintiff,

vs.

SMALL BUSINESS CAPITAL CORP.;  
 MARK FEATHERS; INVESTORS PRIME  
 FUND, LLC; AND SBC PORTFOLIOS,  
 LLC,

Defendants.

Case No. CV12-03237

**RECEIVER'S ADMINISTRATIVE  
 MOTION REQUESTING RELIEF  
 FROM PERSONAL APPEARANCE AT  
 FEE APPLICATION HEARING SET  
 FOR FEBRUARY 5, 2015**

Ctrm: 4 - 5th Floor  
 Judge: Hon. Edward J. Davila

Thomas A. Seaman ("Receiver"), the Court-appointed permanent receiver for Small Business Capital Corp. ("SB Capital"), Investors Prime Fund, LLC ("IPF"), SBC Portfolio Fund, LLC ("SPF"), and their subsidiaries and affiliates (collectively, "Receivership Entities"), hereby submits the Receiver's Application Requesting Relief From Personal Appearance at Fee Application Hearing Set for February 5, 2015 [Docket Nos. 966 and 967].

The Receiver and Allen Matkins filed the Receiver's Seventh Interim Fee Application [Docket 966] and Seventh Interim Fee Application of Allen Matkins Leck Gamble Mallory & Natsis, General Counsel to the Receiver [Docket No. 967]

1 (collectively, the "Applications") on October 28, 2014. The Court set a hearing on the  
2 Applications for February 5, 2015.

3 While the Receiver's counsel, Allen Matkins, will appear at the hearing on behalf of  
4 the Receiver, the Receiver has a vacation that was planned for the week of February 2,  
5 2015 and therefore the Receiver will not be available to make an appearance in person at  
6 the hearing on the Receiver's Application.<sup>1</sup>

7 While the Local Rules of this Court do not require Receiver's appearance at the  
8 hearing on the Applications, the Securities and Exchange Commission (the "Commission")  
9 billing instructions for receivers in civil actions suggest that receivers appear at such  
10 hearings. It has also been the Receiver's custom and practice in this case to appear at the  
11 fee application hearings and other hearings of significance in order to address any  
12 questions of this Court and to provide a report on the status of the case as may be  
13 requested.

14 Accordingly, the Receiver is providing both notice to the Court of his absence and  
15 is requesting relief from this appearance. Receiver has notified the Commission of his  
16 absence and they have not objected. Again, counsel for the Receiver will be in attendance  
17 at the hearing.

18 Based upon the foregoing, Receiver respectfully requests the Court to approve the  
19 Receiver's absence from this hearing on February 5, 2015.

20  
21 Dated: January 21, 2015

ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP

22  
23 By: /s/ David R. Zaro

24 DAVID R. ZARO  
25 Attorneys for Receiver  
26 THOMAS A. SEAMAN  
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28 <sup>1</sup> If and only if the Court denies this Application, the Receiver will alternatively seek to  
appear by telephone.